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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,753	12/10/2003	Rahim Allagheband Zadeh	020713CON	6555

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EXAMINER
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BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/732,753

Applicant(s)

ZADEH, RAHIM ALLAGHEBAND

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/21/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 16-21, 28-32 and 37 is/are allowed.
- 6) ☒ Claim(s) 7-13, 22, 33, 34 and 38-49 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 23-27, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This is the second office action for application serial number 10/732,753, Vertical Slide Clip, filed December 10, 2003. This application is a continuation of application serial number, 09/912,098, now patent 6,688,069 B2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,846,018 to Frobosilo in view of Kozloff. Frobosilo teaches a bracket comprising a first connector plate (20), second connector plate (24), a plurality of linear stiffener channels (30, 32), and one or more fastener receiving holes (28a, b, n). The first connector plate has one or more fastener holes (40a, n) there through for non-movably coupling of the first connector plate to one of the building components. The second connector plate and the first connector plates are integrally connected with each other substantially at a right angle to form a right angled juncture. The plurality of substantially linear stiffener channels (30, 32) is disposed in the first connector plate. One or more rows of fastener-receiving holes (28a, b, n) extend through the second connector plate and are disposed within a stiffener region therein for non-movably fastening the second connector plate to another one of the building components. Each of the one or more rows of holes being substantially parallel

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with any adjacent one of said one or more rows of holes. Each one of the one or more rows of holes is disposed within a stiffener region (the area formed between stiffeners 29, 31). Each one of the plurality of linear stiffener channels extends from a corresponding one of the plurality of stiffener channels in the right angled juncture. However, Frobosilo fails to teach a plurality of stiffeners.

Kozloff teaches a bracket comprising a first and second connector plate integrally connected with each other at a right angle juncture. A plurality of stiffeners is disposed in the right angle juncture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the angled juncture of Frobosilo to have incorporated the plurality of stiffeners along the stiffener channels for the purpose of improving the structural integrity of the bracket by preventing bending or other deformation to the bracket (col. 7, line 58+).

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,664,392 to Mucha in view of U.S. Patent No. 5,454,203 to Turner. Mucha teaches a vertical slide clip comprising a first connector plate (14), a second connector plate (12), a plurality of elongated slots (30). The first connector plate is formed from a piece of metal material and has a pair of lateral ends with an upstanding flange (26) formed thereon. The second connector plate is formed from the piece of metal material at a right angle relative to the first connector plate to form a right-angled juncture therewith. A stiffener channel (16) is formed in the piece of metal and is disposed in the right-angled juncture. The plurality of elongated slots is in the second connector plate. However, Mucha fails to teach a plurality of stiffener channels and a score line on the second connector plate.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+).

Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made a plurality of stiffener channels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frobosilo in view of Kozloff as applied to claims 7-11 in further view of Turner. Frobosilo in view of Kozloff teaches the limitations of the base claim, excluding the score line.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+).  
bracket (col. 7, line 58+).

Claims 22 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,920,713 to Borresen in view of U.S. Patent No. 5,454,203 to Turner. Borresen teaches a clip comprising a first connector plate (20), and a second connector plate (21). The first and second connector plates are at right angles. A first recessed stiffener region (surrounding 29) is in the second plate. A first elongated slot (29) is in the first

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recessed stiffener region. However, Borresen fails to teach a score line in the first connector plate.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+).

Claims 33, 34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,691,491 to Lilley in view of U.S. Patent No. 5,454,203 to Turner. Lilley teaches a clip comprising a first connector plate (8) formed from a piece of metal material. A second connector plate (6) is formed from the piece of metal material. A least one stiffener channel (20) is formed in the piece of metal and is disposed in a juncture between the first and second connector plate. At least one elongated slot (28) is in the second connector plate. However, Lilley fails to teach score lines or dimples in the second connector plate.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings (26) or dimples (27). The score line is substantially parallel to the first connector plate. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+).

Claims 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,018,923 to Wendt in view of U.S. Patent No. 5,454,203 to Turner. Wendt teaches a clip comprising a first connector plate (6), a second connector plate (4), at least one recessed stiffener region (21, 20), and aperture means (37, 38). The aperture means comprises

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at least two parallel rows (the top 38 and the bottom 38 for a row respectively) of round holes.

However, Wendt fails to teach the use of a dimple or score line.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings (26) or dimples (27). The score line is substantially parallel to the first connector plate. The at least one fastener-receiving dimple in the first connector plate and odented on said score line. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+).

#### *Allowable Subject Matter*

Claims 1-6, 16-21, 28-32, 37 are allowed.

Claims 14, 15, 23-27, 31, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

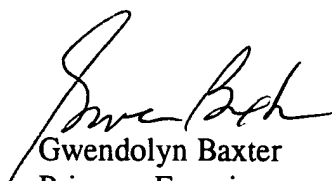
#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

December 27, 2004